



RESOLUTION #04-24

**A RESOLUTION SUPPORTING CERTAIN
LOCAL AND STATE LEGISLATIVE ISSUES**

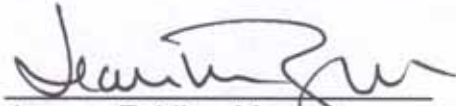
WHEREAS, the Virginia General Assembly will convene in early 2005 to consider important legislative matters of the Commonwealth; and

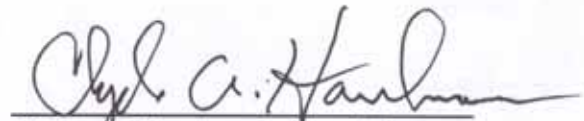
WHEREAS, it is appropriate for the City Council to adopt a legislative program to present to its representatives in the General Assembly; and

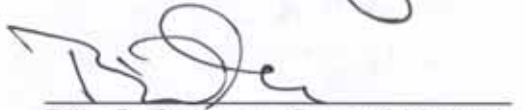
WHEREAS, the Council has carefully considered a legislative program, and believes that it is in the best interest of the citizens of Williamsburg.

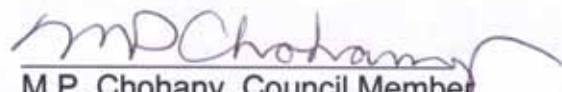
NOW, THEREFORE, BE IT RESOLVED, that the City Council of Williamsburg, Virginia hereby endorses the attached 2005 Legislative Issues List and urges consideration and passage as appropriate.

Adopted: November 12, 2004


Jeanne Zeidler, Mayor


Clyde A. Haulman, Vice-Mayor


Billy S. Scruggs, Council Member


M.P. Chohany, Council Member


Paul T. Freiling, Council Member



2005 LEGISLATIVE PRIORITIES

CITY OF WILLIAMSBURG

Regional Priorities

1★ Chartered Universities Initiative

The city supports the Chartered Universities Initiative that will enable the College of William and Mary and other state universities to use their revenue capacity and asset base to generate more non-taxpayer funds for higher education, and allow universities to compete more effectively for research dollars and economic development opportunities.

2★ Jamestown 2007 Commemoration

The city supports the Jamestown 2007 Celebration planning efforts and encourages the General Assembly to continue funding important Commemoration functions including: marketing, programming, and infrastructure.

3★ Virginia Tourism Funding

The city urges the General Assembly to increase funding for the Virginia Tourism Corporation (VTC) to promote tourism in Virginia generally, and in the Historic Triangle in particular.

4★ Crossroads Community Youth Home

The city strongly urges the General Assembly to remove "group homes" from the moratorium on funding for juvenile facilities in the Commonwealth's budget to allow for the replacement of the Crossroads Community Youth Home in the Historic Triangle in partnership with local government.

5★ | Inter-City Passenger Rail

The city supports the Virginians for High Speed Rail efforts in advocating additional transportation revenues for inter-city passenger rail. Further, the city supports the establishment of a state-wide Rail Authority that would support passenger rail planning and development in Virginia and provide a funding mechanism for rail infrastructure.

Statewide Fiscal Priorities

1★ Transportation Funding

The city encourages the General Assembly to take up transportation funding as its highest unmet funding priority in 2005. The city supports increased transportation user-based taxes and fees to address critical transportation needs, especially in Hampton Roads.

2★ State Support for Standards of Quality

The city appreciates the strides the General Assembly made in 2004 to recognize the true costs of delivering public education and to more fully fund the state's share of the cost. As recommended by the Williamsburg/James City County School Board, the city specifically supports improved funding for pre-kindergarten initiatives, school capital improvement projects, and teacher retirement costs.

3★ Uniform Telecommunications Taxation

The city supports restructuring local telecommunications taxes to provide a uniform tax rate for all local exchanges, wireless services, and E-911 taxes. In order to ensure localities do not lose revenue on the process, the uniform tax rate should be set at 5%.

4★ State Taxation on Local Government Services

The city opposes the imposition of a state fee, tax, or surcharge on municipal water, sewer, or solid waste services.

5★ State Limitation on Local Government Revenues

The city opposes further state limitations on local taxing authority; particularly property tax limitation, and imbalances in personal property tax growth due to the state's \$950,000,000 cap on car tax reimbursement.

6★ State/Local Joint Functions

The city maintains that state budget actions prior to 2004 have significantly reduced the proportion of state contribution to state/local jointly funded functions, including lagging pay for state funded employees. The balance between state and local funding needs to be restored in the following functional areas:

- Judicial – e.g.: Courts, Commonwealth's Attorney, Clerk of Court, Parole and Probation
- Public Safety – e.g.: Regional Jail, Juvenile Jail, Community Corrections
- Health – e.g.: Health Department, Community Services Board
- Public Libraries

Voter Registration Domicile

1★ Consistent Voter Registration; Determination of Domicile

In the absence of clear statutory guidelines, the City's Voter Registrar used guidelines published on the State Board of Elections web site in determining the domiciliary status of persons wishing to run for local public office and/or to vote in the City. Although uniformly applied by the Registrar, use of the suggested guidelines resulted in extensive litigation filed against the Registrar, both in federal and state courts. Among the issues raised by the plaintiffs was the lack of state-wide uniformity in the determination of domicile. The City requests that Virginia electoral statutes be amended to more precisely prescribe the factors to be considered by voter registrars state-wide in making their determinations of domicile.

2★ Payment of Voter Registrar Defense Costs

The City requests that § 24.2-121 of the Virginia Code be amended to so that either the Virginia Division of Risk Management or the Attorney General will defend local voter registrars who are sued, regardless of whether the suit requests monetary damages, when insurance is not in place to provide the defense. Under the current Code Section, where the registrar is sued and has no available insurance coverage, the registrar may request the circuit court to appoint counsel to provide defense. The Commonwealth Attorney can be appointed, or one or more private attorneys can be appointed. If private attorneys are appointed, the locality is to pay the attorneys' fees. In the litigation alluded to above, the Commonwealth Attorney was not qualified to practice in federal court and the local circuit court at the Registrar's request appointed a private attorney since no insurance was available and since the Virginia Department of Risk Management declined to provide a defense on the grounds that no monetary damages were sought. As a result, and notwithstanding that the Registrar is not a City employee and is neither appointed nor controlled by the City, the City will be required to pay substantial attorneys fees for the Registrar's defense as ultimately determined by the circuit court. Local voter registrars are officials of the state-wide election system and the cost of any defense provided them should be a state and not a local cost.